

ESTTA Tracking number: **ESTTA775407**

Filing date: **10/07/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Genova Diagnostics, Inc.
Granted to Date of previous extension	10/09/2016
Address	63 Zillicoa Street Asheville, NC 28801 UNITED STATES

Attorney information	Gary B. Chapman LATHROP & GAGE LLP 4845 Pearl East Circle, Suite 201 Boulder, CO 80301 UNITED STATES ipdocket- ing@lathropgage.com,gchapman@lathropgage.com,johara@lathropgage.com Phone:(720) 931-3000
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### Applicant Information

Application No	86826936	Publication date	04/12/2016
Opposition Filing Date	10/07/2016	Opposition Period Ends	10/09/2016
Applicant	Genetic Direction, LLC 330 Las Colinas Blvd #1520 IRVING, TX 75039 UNITED STATES		

### Goods/Services Affected by Opposition


Class 044. First Use: 2015/09/25 First Use In Commerce: 2015/09/25  
All goods and services in the class are opposed, namely: Biomedical health and fitness assessment; genetic screening and analysis for assessment of fitness and optimization of fitness; genetic testing and screening consultancy relating to diet, nutrition, weight loss or gain, aging, athletic performance and medical fitness; Consultancy relating to health care; Consultancy relating to nutrition; Consultancy services relating to weight loss or gain; Consultation based upon DNA screening and analysis for medical purposes; DNA screening for health and fitness purposes; Foodnutrition consultation; Health advice and information services; Health assessment surveys


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration	2914523	Application Date	07/24/2003
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No.			
Registration Date	12/28/2004	Foreign Priority Date	NONE
Word Mark	G DX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 Medical diagnostic laboratory services		

U.S. Registration No.	4893275	Application Date	12/21/2012
Registration Date	01/26/2016	Foreign Priority Date	NONE
Word Mark	GDX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 medical diagnostic laboratory services Class 044. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 providing medical testing services and information for disease predisposition, disease diagnosis, and wellness		

U.S. Registration No.	4822470	Application Date	12/21/2012
Registration Date	09/29/2015	Foreign Priority	NONE

		Date	
Word Mark	MYGDX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 medical diagnostic laboratory services Class 044. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 providing medical testing services and information for disease predisposition, disease diagnosis, and wellness		

Attachments	78278651#TMSN.png( bytes ) 85809235#TMSN.png( bytes ) 85809250#TMSN.png( bytes ) 581003 364-042 Notice of Opposition to App. 86826936.pdf(752854 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/gbchapman/
Name	Gary B. Chapman
Date	10/07/2016

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**



In the matter of Application Ser. No. 86/826,936 for  
Published in the *Official Gazette* of April 12, 2016


GENOVA DIAGNOSTICS, INC.,	)	
	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	
	)	
GENETIC DIRECTION, LLC,	)	
	)	
Applicant	)	

**NOTICE OF OPPOSITION**

Genova Diagnostics, Inc. (“Opposer”) a Delaware corporation having offices in Asheville, North Carolina, believes it will be damaged by issuance of a registration for the mark GX (Stylized) to Genetic Direction, LLC (“Applicant”) shown in App. Ser. No. 86/826,936 (the “Application”) and therefor opposes the same pursuant to Section 13(a) of the Lanham Trademark Act, 15 U.S.C. § 1063(a) and 37 C.F.R. § 2.101. The grounds for opposition are stated below.

1. Opposer and its predecessors have for many years offered services and been engaged in medical diagnostic, testing and laboratory services, and information for disease predisposition, disease diagnosis, and wellness.
2. Since long before the filing date of the Application, Opposer has continuously used various trademarks which comprise the term GDX, the stylized G<sup>DX</sup> mark, and includes the term “GDX”, in commerce throughout the United States in connection with its various medical testing and laboratory services for diagnostic or treatment purposes.

3. Opposer owns the U.S. trademark registrations no. 2,914,523, 4,893,275 and 4,822,470, shown below. These registrations are valid, subsisting, unrevoked and unexpired. A true and correct copy of each cited registration and current printouts of the trademark registration information from the Office's electronic database of records showing the current status and title of these registrations is attached hereto as Exhibits A, B, and C.

MARK	REG. NO.	REG. DATE	GOODS/SERVICES
	2,914,523	December 28, 2004	Medical diagnostic laboratory services, in IC 042
GDX (word mark)	4,893,275	January 26, 2016	Medical diagnostic laboratory services, in IC 042. Providing medical testing services and information for disease predisposition, disease diagnosis, and wellness, in IC 044
MYGDX (word mark)	4,822,470	September 29, 2015	Medical diagnostic laboratory services, in IC 042. Providing medical testing services and information for disease predisposition, disease diagnosis, and wellness, in IC 044

4. By virtue of Opposer's and its predecessors' extensive sales, advertising, and medical diagnostic, testing and laboratory services, Opposer and its predecessors have built up and Opposer now owns valuable goodwill symbolized by its GDX (Stylized), GDX (word) and MYGDX (word) marks.
5. Applicant has applied in application number 86/826,936, to register the stylized mark



, without color claim ("GX Mark") for services in Class 044, described as, "Biomedical health and fitness assessment; genetic screening and analysis for assessment of fitness and optimization of fitness; genetic testing and screening

consultancy relating to diet, nutrition, weight loss or gain, aging, athletic performance and medical fitness; Consultancy relating to health care; Consultancy relating to nutrition; Consultancy services relating to weight loss or gain; Consultation based upon DNA screening and analysis for medical purposes; DNA screening for health and fitness purposes; Food nutrition consultation; Health advice and information services; Health assessment surveys.” (“Opposed Application”) The Application was filed on November 20, 2015, and based on Applicant’s alleged use of the mark stated as at least as early as September 25, 2015.

6. The Opposed Application was published on April 12, 2016.
7. Opposer filed a 90-day request for extension of time to oppose on April 26, 2016, which was granted the same day.
8. Opposer subsequently filed a consented 60-day request for extension of time to oppose on August 9, 2016, which was granted the same day. Accordingly, this opposition is timely filed.
9. Applicant’s use of the GX Mark is without Opposer’s consent or permission.
10. Applicant’s GX Mark so resembles Opposer’s registered GDX and GDX-containing marks as to be likely, when applied to Applicant’s services identified in Class 044, to cause confusion, mistake, or deception for purposes of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), thereby resulting in damage to Opposer.

WHEREFORE, registration by Applicant of the GX Mark for the aforesaid services would be damaging to Opposer and Opposer respectfully requests this Opposition be sustained and that registration of the mark shown in Application number 86/826,936, to Applicant be refused.

Opposer submits the requisite filing fee of \$300 to cover the Notice of Opposition fee in one class. Please deduct any deficiency from, or credit any overpayment to, Deposit Account No. 120600, and address all correspondence to Gary B. Chapman, Lathrop & Gage LLP, 4845 Pearl East Circle, Suite 201, Boulder, CO 80301.

Dated: Oct. 7, 2016

Respectfully submitted,

**LATHROP & GAGE LLP**

\_\_\_\_\_  
/gbchapman/

Gary B. Chapman  
4845 Pearl East Circle, Suite 201  
Boulder, Colorado 80301  
Telephone: (720) 931-3000  
Email: gchapman@lathropgage.com  
ipdocketing@lathropgage.com

*ATTORNEYS FOR OPPOSER:*  
*Genova Diagnostics, Inc.*

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this NOTICE OF OPPOSITION is being electronically transmitted to the U.S. Patent and Trademark Office on October 7, 2016, using the ESTTA system.

/gbchapman/  
Gary B. Chapman

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by First Class U.S. Mail at the following address on October 7, 2016, such being the Applicant's correspondence address found in the USPTO's TSDR system as of this date:

Genetic Direction, LLC  
330 Las Colinas Blvd. #1520  
Irving, TX 75039

And, was additionally served by First Class U.S. Mail at the following address on October 7, 2016, such being the Applicant's attorney of record as reflected in the USPTO's TSDR system as of this date:

Soumit Roy  
FERGUSON, BRASWELL & FRASER, PC  
2500 Dallas Parkway STE 501  
Plano, TX 75093

/gbchapman/  
Gary B. Chapman



# EXHIBIT A - Notice of Opposition to App. 86/826,936

**Generated on:** This page was generated by TSDR on 2016-10-07 11:39:42 EDT

**Mark:** G DX

The logo consists of a large, bold, black capital letter 'G' followed by the letters 'DX' in a smaller, bold, black font.

**US Serial Number:** 78278651

**Application Filing Date:** Jul. 24, 2003

**US Registration Number:** 2914523

**Registration Date:** Dec. 28, 2004

**Register:** Principal

**Mark Type:** Service Mark

**Status:** The registration has been renewed.

**Status Date:** Jan. 17, 2015

**Publication Date:** Oct. 05, 2004

## Mark Information

**Mark Literal Elements:** G DX

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Disclaimer:** DX

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Medical diagnostic laboratory services

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2003

**Use in Commerce:** Sep. 2003

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Genova Diagnostics, Inc

**Owner Address:** 63 Zillicoa Street

## EXHIBIT A - Notice of Opposition to App. 86/826,936

Asheville, NORTH CAROLINA 28801  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Gary B. Chapman

Docket Number: 534903:11-03

Attorney Primary Email Address: [ipdocketing@lathropgage.com](mailto:ipdocketing@lathropgage.com)

Attorney Email Authorized: Yes

#### Correspondent

Correspondent Name/Address: Gary B. Chapman  
LATHROP & GAGE LLP  
Suite 201  
4845 Pearl East Circle  
BOULDER, COLORADO 80301  
UNITED STATES

Phone: (720) 931-3000

Fax: (720) 931-3001

Correspondent e-mail: [ipdocketing@lathropgage.com](mailto:ipdocketing@lathropgage.com) [gchapman@lathropgage.com](mailto:gchapman@lathropgage.com) [rfriedland@lathropgage.com](mailto:rfriedland@lathropgage.com) [johara@lathropgage.com](mailto:johara@lathropgage.com)

Correspondent e-mail Authorized: Yes

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 17, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 17, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Jan. 17, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Jan. 13, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Dec. 21, 2014	TEAS SECTION 8 & 9 RECEIVED	
Nov. 20, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 23, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Feb. 23, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Feb. 11, 2010	TEAS SECTION 8 & 15 RECEIVED	
Dec. 28, 2004	REGISTERED-PRINCIPAL REGISTER	
Oct. 27, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 05, 2004	PUBLISHED FOR OPPOSITION	
Sep. 15, 2004	NOTICE OF PUBLICATION	
Aug. 07, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	78288
Aug. 07, 2004	ASSIGNED TO LIE	78288
Aug. 03, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 03, 2004	USE AMENDMENT ACCEPTED	
Jul. 30, 2004	AMENDMENT TO USE PROCESSING COMPLETE	
Feb. 27, 2004	USE AMENDMENT FILED	
May 26, 2004	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Mar. 03, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 27, 2004	TEAS AMENDMENT OF USE RECEIVED	
Feb. 19, 2004	EXAMINERS AMENDMENT MAILED	
Feb. 18, 2004	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Feb. 18, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 13, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 13, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 12, 2004	NON-FINAL ACTION E-MAILED	
Jan. 12, 2004	ASSIGNED TO EXAMINER	68788

### Maintenance Filings or Post Registration Information

## EXHIBIT A - Notice of Opposition to App. 86/826,936

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Dec. 28, 2014

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jan. 17, 2015

### Assignment Abstract Of Title Information

#### Summary

**Total Assignments:** 8

**Registrant:** Great Smokies Diagnostic Laboratory, Inc.

#### Assignment 1 of 8

**Conveyance:** MERGER

**Reel/Frame:** [2829/0295](#)

**Pages:** 14

**Date Recorded:** Sep. 22, 2003

**Supporting Documents:** [assignment-tm-2829-0295.pdf](#)

#### Assignor

**Name:** [GREAT SMOKIES DIAGNOSTIC LABORATORY, INC.](#)

**Execution Date:** Jun. 23, 2003

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

#### Assignee

**Name:** [EXPERION LIFE SCIENCES INCORPORATED](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 63 ZILLICOA STREET  
ASHEVILLE, NORTH CAROLINA 28801

#### Correspondent

**Correspondent Name:** DAVID M. CARTER

**Correspondent Address:** P.O. BOX 2985  
56 CENTRAL AVENUE, SUITE 101  
ASHEVILLE, NORTH CAROLINA 28802

#### Domestic Representative - Not Found

#### Assignment 2 of 8

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** [2828/0988](#)

**Pages:** 3

**Date Recorded:** Sep. 22, 2003

**Supporting Documents:** [assignment-tm-2828-0988.pdf](#)

#### Assignor

**Name:** [EXPERION LIFE SCIENCES INCORPORATED](#)

**Execution Date:** Aug. 12, 2003

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 63 ZILLICOA STREET  
ASHEVILLE, NORTH CAROLINA 28801

#### Correspondent

## EXHIBIT A - Notice of Opposition to App. 86/826,936

**Correspondent Name:** DAVID M. CARTER

**Correspondent Address:** 56 CENTRAL AVENUE, SUITE 101  
P.O. BOX 2985  
ASHEVILLE, NC 28802

### Domestic Representative - Not Found

#### Assignment 3 of 8

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [4250/0403](#)

**Pages:** 10

**Date Recorded:** Jul. 29, 2010

**Supporting Documents:** [assignment-tm-4250-0403.pdf](#)

#### Assignor

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Execution Date:** Jul. 28, 2010

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [DIAGNOSTICS SECURITY HOLDERS, LLC](#)

**Execution Date:** Jul. 28, 2010

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [FIFTH THIRD BANK](#)

**Legal Entity Type:** BANKING CORPORATION

**State or Country Where Organized:** OHIO

**Address:** 424 CHURCH STREET  
SUITE 500  
NASHVILLE, TENNESSEE 37219

#### Correspondent

**Correspondent Name:** ROBERT L. BREWER

**Correspondent Address:** 150 3RD AVENUE SOUTH  
SUITE 2800  
NASHVILLE, TN 37201

### Domestic Representative - Not Found

#### Assignment 4 of 8

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [4822/0050](#)

**Pages:** 5

**Date Recorded:** Jul. 16, 2012

**Supporting Documents:** [assignment-tm-4822-0050.pdf](#)

#### Assignor

**Name:** [FIFTH THIRD BANK](#)

**Execution Date:** Jul. 03, 2012

**Legal Entity Type:** BANKING CORPORATION

**State or Country Where Organized:** OHIO

#### Assignee

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 63 ZILICOA STREET  
ASHEVILLE, NORTH CAROLINA 28801

**Name:** [DIAGNOSTICS SECURITY HOLDERS, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 63 ZILICOA STREET  
ASHEVILLE, NORTH CAROLINA 28801

#### Correspondent

**Correspondent Name:** ROBERT L. BREWER

## EXHIBIT A - Notice of Opposition to App. 86/826,936

Name:

Correspondent 150 3RD AVENUE SOUTH  
Address: SUITE 2800  
NASHVILLE, TN 37201

### Domestic Representative - Not Found

#### Assignment 5 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [4822/0117](#)

Pages: 12

Date Recorded: Jul. 16, 2012

Supporting [assignment-tm-4822-0117.pdf](#)  
Documents:

#### Assignor

Name: [GENOVA DIAGNOSTICS, INC.](#)

Execution Date: Jul. 03, 2012

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Name: [DIAGNOSTICS SECURITY HOLDERS, LLC](#)

Execution Date: Jul. 03, 2012

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE  
Where Organized:

#### Assignee

Name: [FIFTH THIRD BANK](#)

Legal Entity Type: BANKING CORPORATION

State or Country OHIO  
Where Organized:

Address: 424 CHURCH STREET  
SUITE 500  
NASHVILLE, TENNESSEE 37219

#### Correspondent

Correspondent ROBERT L. BREWER  
Name:

Correspondent 150 3RD AVENUE SOUTH  
Address: SUITE 2800  
NASHVILLE, TN 37201

### Domestic Representative - Not Found

#### Assignment 6 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [5153/0470](#)

Pages: 8

Date Recorded: Nov. 13, 2013

Supporting [assignment-tm-5153-0470.pdf](#)  
Documents:

#### Assignor

Name: [GENOVA DIAGNOSTICS, INC.](#)

Execution Date: Nov. 13, 2013

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

#### Assignee

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: A CANADIAN CHARTERED BANK ACTING  
THROUGH ITS CHICAGO BRANCH

State or Country CANADA  
Where Organized:

Address: 111 WEST MONROE STREET  
CHICAGO, ILLINOIS 60603

#### Correspondent

Correspondent OSCAR RUIZ C/O KATTEN MUCHIN ROSENMAN  
Name:

Correspondent 525 WEST MONROE STREET  
Address: CHICAGO, IL 60661

### Domestic Representative - Not Found

#### Assignment 7 of 8

Conveyance: RELEASE BY SECURED PARTY

## EXHIBIT A - Notice of Opposition to App. 86/826,936

Reel/Frame: [5153/0492](#)

Pages: 8

Date Recorded: Nov. 13, 2013

Supporting Documents: [assignment-tm-5153-0492.pdf](#)

### Assignor

Name: [FIFTH THIRD BANK](#)

Execution Date: Nov. 13, 2013

Legal Entity Type: BANKING CORPORATION

State or Country OHIO  
Where Organized:

### Assignee

Name: [GENOVA DIAGNOSTICS, INC.](#)

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: 3425 CORPORATE WAY, SUITES A-D  
DULUTH, GEORGIA 30096

Name: [DIAGNOSTICS SECURITY HOLDERS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE  
Where Organized:

Address: 63 ZILLICOA STREET  
ASHEVILLE, NORTH CAROLINA 28801

### Correspondent

Correspondent Name: OSCAR RUIZ C/O KATTEN MUCHIN ROSENMAN

Correspondent Address: 525 WEST MONROE STREET  
CHICAGO, IL 60661

### Domestic Representative - Not Found

### Assignment 8 of 8

Conveyance: SECOND LIEN TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5155/0836](#)

Pages: 9

Date Recorded: Nov. 18, 2013

Supporting Documents: [assignment-tm-5155-0836.pdf](#)

### Assignor

Name: [GENOVA DIAGNOSTICS, INC.](#)

Execution Date: Nov. 13, 2013

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

### Assignee

Name: [GNVA DEBT HOLDCO, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE  
Where Organized:

Address: 335 N. MAPLE DRIVE, SUITE 240  
C/O LEVINE LEICHTMAN CAPITAL PARTNERS  
BEVERLY HILLS, CALIFORNIA 90210

### Correspondent

Correspondent Name: RENEE PRESCAN

Correspondent Address: 300 NORTH LASALLE STREET  
KIRKLAND & ELLIS LLP  
CHICAGO, IL 60654

### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 1

### Type of Proceeding: Opposition

Proceeding [91207145](#)

Filing Date: Sep 25, 2012

## EXHIBIT A - Notice of Opposition to App. 86/826,936

Number: \_\_\_\_\_

Status: Terminated

Status Date: May 30, 2013

Interlocutory  
Attorney: CHRISTEN M ENGLISH

### Defendant

Name: Genomic Health, Inc.

Correspondent MARGARET MCHUGH  
Address: KILPATRICK TOWNSEND AND STOCKTON LLP  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO CA , 94111  
UNITED STATES

Correspondent e-mail: [mmchugh@kilpatricktownsend.com](mailto:mmchugh@kilpatricktownsend.com) , [aschlette@kilpatricktownsend.com](mailto:aschlette@kilpatricktownsend.com) , [vcordial@kilpatricktownsend.com](mailto:vcordial@kilpatricktownsend.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
NGDX	Abandoned - After Inter-Partes Decision	<a href="#">85248500</a>	

### Plaintiff(s)

Name: Genova Diagnostics, Inc.

Correspondent GARY CHAPMAN  
Address: LATHROP & GAGE LLP  
4845 PEARL EAST CIRCLE, SUITE 201  
BOULDER CO , 80301  
UNITED STATES

Correspondent e-mail: [boulderip@lathropgage.com](mailto:boulderip@lathropgage.com) , [gchapman@lathropgage.com](mailto:gchapman@lathropgage.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
G DX	Renewed	<a href="#">78278651</a>	<a href="#">2914523</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2012	Nov 04, 2012
3	PENDING, INSTITUTED	Sep 25, 2012	
4	ANSWER	Oct 24, 2012	
5	P CHANGE OF CORRESP ADDRESS	May 07, 2013	
6	W/DRAW OF APPLICATION	May 24, 2013	
7	BD DECISION: SUSTAINED	May 30, 2013	
8	TERMINATED	May 30, 2013	

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 2,914,523**

Registered Dec. 28, 2004

**SERVICE MARK  
PRINCIPAL REGISTER**



GREAT SMOKIES DIAGNOSTIC LABORATORY,  
INC. (NORTH CAROLINA CORPORATION)  
63 ZILICOA STREET  
ASHEVILLE, NC 28801

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE DX, APART FROM THE MARK  
AS SHOWN.

FOR: MEDICAL DIAGNOSTIC LABORATORY  
SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 78-278,651, FILED 7-24-2003.

FIRST USE 9-0-2003; IN COMMERCE 9-0-2003.

MIDGE BUTLER, EXAMINING ATTORNEY



## EXHIBIT B - Notice of Opposition to App. 86/826,936

**Generated on:** This page was generated by TSDR on 2016-10-07 11:43:45 EDT

**Mark:** GDX

GDX

**US Serial Number:** 85809235

**Application Filing Date:** Dec. 21, 2012

**US Registration Number:** 4893275

**Registration Date:** Jan. 26, 2016

**Register:** Principal

**Mark Type:** Service Mark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jan. 26, 2016

**Publication Date:** Jun. 25, 2013

**Notice of Allowance Date:** Aug. 20, 2013

### Mark Information

**Mark Literal Elements:** GDX

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

### Related Properties Information

**Claimed Ownership of US Registrations:** 2914523

### Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** medical diagnostic laboratory services

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2003

**Use in Commerce:** Sep. 2003

**For:** providing medical testing services and information for disease predisposition, disease diagnosis, and wellness

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 2003

**Use in Commerce:** Sep. 2003

### Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

## EXHIBIT B - Notice of Opposition to App. 86/826,936

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

### Current Owner(s) Information

**Owner Name:** Genova Diagnostics, Inc.

**Owner Address:** 63 Zillicoa Street  
Asheville, NORTH CAROLINA 28801  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Gary B. Chapman

**Docket Number:** 53453:10-12T

**Attorney Primary** [usptomail@greenleesullivan.com](mailto:usptomail@greenleesullivan.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

#### Correspondent

**Correspondent** GARY B. CHAPMAN  
**Name/Address:** LATHROP & GAGE LLP  
4845 PEARL EAST CIR STE 201  
BOULDER, COLORADO 80301  
UNITED STATES

**Phone:** 720-931-3000

**Fax:** 720-931-3001

**Correspondent e-** [ipdocketing@lathropgage.com](mailto:ipdocketing@lathropgage.com) [gchapman@lathro](mailto:gchapman@lathro)  
**mail:** [pgage.com](mailto:pgage.com) [johara@lathropgage.com](mailto:johara@lathropgage.com)

**Correspondent e-** Yes  
**mail Authorized:**

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 26, 2016	REGISTERED-PRINCIPAL REGISTER	
Dec. 22, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 21, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 17, 2015	STATEMENT OF USE PROCESSING COMPLETE	71906
Dec. 14, 2015	USE AMENDMENT FILED	71906
Dec. 14, 2015	TEAS STATEMENT OF USE RECEIVED	
Dec. 14, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 25, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 01, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 31, 2015	EXTENSION 4 GRANTED	71906
Aug. 18, 2015	EXTENSION 4 FILED	71906
Aug. 28, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71906
Aug. 18, 2015	TEAS EXTENSION RECEIVED	
Mar. 11, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 10, 2015	EXTENSION 3 GRANTED	76538
Feb. 19, 2015	EXTENSION 3 FILED	76538
Feb. 19, 2015	TEAS EXTENSION RECEIVED	
Feb. 19, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 10, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 09, 2014	EXTENSION 2 GRANTED	76538
Aug. 20, 2014	EXTENSION 2 FILED	76538
Sep. 05, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Aug. 20, 2014	TEAS EXTENSION RECEIVED	

## EXHIBIT B - Notice of Opposition to App. 86/826,936

Feb. 21, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 19, 2014	EXTENSION 1 GRANTED	98765
Feb. 19, 2014	EXTENSION 1 FILED	98765
Feb. 19, 2014	TEAS EXTENSION RECEIVED	
Nov. 20, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 25, 2013	PUBLISHED FOR OPPOSITION	
Jun. 05, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 22, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
May 21, 2013	ASSIGNED TO LIE	70997
May 13, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 07, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 06, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 06, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 06, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 10, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 10, 2013	NON-FINAL ACTION E-MAILED	6325
Apr. 10, 2013	NON-FINAL ACTION WRITTEN	77762
Apr. 09, 2013	ASSIGNED TO EXAMINER	77762
Jan. 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 25, 2012	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Dec. 21, 2015

### Assignment Abstract Of Title Information

#### Summary

**Total Assignments:** 2

**Registrant:** Genova Diagnostics, Inc.

#### Assignment 1 of 2

**Conveyance:** SECOND LIEN TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [5155/0836](#)

**Pages:** 9

**Date Recorded:** Nov. 18, 2013

**Supporting Documents:** [assignment-tm-5155-0836.pdf](#)

#### Assignor

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Execution Date:** Nov. 13, 2013

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [GNVA DEBT HOLDCO, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 335 N. MAPLE DRIVE, SUITE 240  
C/O LEVINE LEICHTMAN CAPITAL PARTNERS  
BEVERLY HILLS, CALIFORNIA 90210

#### Correspondent

**Correspondent Name:** RENEE PRESCAN

**Correspondent Address:** 300 NORTH LASALLE STREET  
KIRKLAND & ELLIS LLP  
CHICAGO, IL 60654

**Domestic Representative - Not Found**

## EXHIBIT B - Notice of Opposition to App. 86/826,936

### Assignment 2 of 2

**Conveyance:** RELEASE OF SECURITY INTEREST

**Reel/Frame:** [5665/0675](#)

**Pages:** 5

**Date Recorded:** Nov. 10, 2015

**Supporting Documents:** [assignment-tm-5665-0675.pdf](#)

#### Assignor

**Name:** [GNVA DEBT HOLDCO, LLC](#)

**Execution Date:** Nov. 10, 2015

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [GENOVA DIAGNOSTICS, INC.,](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 85 PEACHTREE STREET  
ASHVILLE, NORTH CAROLINA 28803

#### Correspondent

**Correspondent Name:** SUSAN ZABLOCKI

**Correspondent Address:** KIRKLAND & ELLIS LLP  
601 LEXINGTON AVENUE  
NEW YORK, NY 10022

**Domestic Representative - Not Found**

**United States of America**  
United States Patent and Trademark Office

**GDX**

**Reg. No. 4,893,275**

**Registered Jan. 26, 2016**

**Int. Cls.: 42 and 44**

**SERVICE MARK**

**PRINCIPAL REGISTER**

GENOVA DIAGNOSTICS, INC. (DELAWARE CORPORATION)  
63 ZILICOA STREET  
ASHEVILLE, NC 28801

FOR: MEDICAL DIAGNOSTIC LABORATORY SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-2003; IN COMMERCE 9-0-2003.

FOR: PROVIDING MEDICAL TESTING SERVICES AND INFORMATION FOR DISEASE PREDISPOSITION, DISEASE DIAGNOSIS, AND WELLNESS, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-2003; IN COMMERCE 9-0-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,914,523.

SN 85-809,235, FILED 12-21-2012.

KELLY BOULTON, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

## EXHIBIT C - Notice of Opposition to App. 86/826,936

**Generated on:** This page was generated by TSDR on 2016-10-07 11:45:28 EDT

**Mark:** MYGDX

MYGDX

**US Serial Number:** 85809250

**Application Filing Date:** Dec. 21, 2012

**US Registration Number:** 4822470

**Registration Date:** Sep. 29, 2015

**Register:** Principal

**Mark Type:** Service Mark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Sep. 29, 2015

**Publication Date:** Jun. 25, 2013

**Notice of Allowance Date:** Aug. 20, 2013

### Mark Information

**Mark Literal Elements:** MYGDX

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

### Related Properties Information

**Claimed Ownership of US Registrations:** 2914523

### Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** medical diagnostic laboratory services

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 31, 2006

**Use in Commerce:** Dec. 31, 2006

**For:** providing medical testing services and information for disease predisposition, disease diagnosis, and wellness

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 31, 2006

**Use in Commerce:** Dec. 31, 2006

### Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

## EXHIBIT C - Notice of Opposition to App. 86/826,936

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

### Current Owner(s) Information

**Owner Name:** Genova Diagnostics, Inc.

**Owner Address:** 63 Zillicoa Street  
Asheville, NORTH CAROLINA 28801  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Gary B. Chapman

**Docket Number:** 534947 11-12

**Attorney Primary** [usptomail@greenleesullivan.com](mailto:usptomail@greenleesullivan.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

#### Correspondent

**Correspondent** GARY B. CHAPMAN  
**Name/Address:** LATHROP GAGE LLP  
4845 PEARL EAST CIRCLE, SUITE 201  
BOULDER, COLORADO 80301  
UNITED STATES

**Phone:** 720-931-3000

**Fax:** 720-931-3001

**Correspondent e-mail:** [ipdocketing@lathropgage.com](mailto:ipdocketing@lathropgage.com) [gchapman@lathropgage.com](mailto:gchapman@lathropgage.com)  
[johara@lathropgage.com](mailto:johara@lathropgage.com)

**Correspondent e-mail** Yes  
**Authorized:**

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Nov. 25, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 29, 2015	REGISTERED-PRINCIPAL REGISTER	
Aug. 28, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 27, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 27, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 26, 2015	STATEMENT OF USE PROCESSING COMPLETE	76538
Aug. 07, 2015	USE AMENDMENT FILED	76538
Aug. 26, 2015	EXTENSION 4 GRANTED	76538
Aug. 10, 2015	EXTENSION 4 FILED	76538
Aug. 10, 2015	TEAS EXTENSION RECEIVED	
Aug. 07, 2015	TEAS STATEMENT OF USE RECEIVED	
Mar. 11, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 10, 2015	EXTENSION 3 GRANTED	76538
Feb. 19, 2015	EXTENSION 3 FILED	76538
Feb. 19, 2015	TEAS EXTENSION RECEIVED	
Feb. 19, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 10, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 09, 2014	EXTENSION 2 GRANTED	76538
Aug. 20, 2014	EXTENSION 2 FILED	76538
Sep. 05, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Aug. 20, 2014	TEAS EXTENSION RECEIVED	
Feb. 21, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 19, 2014	EXTENSION 1 GRANTED	98765



## EXHIBIT C - Notice of Opposition to App. 86/826,936

Feb. 19, 2014	EXTENSION 1 FILED	98765
Feb. 19, 2014	TEAS EXTENSION RECEIVED	
Nov. 20, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 25, 2013	PUBLISHED FOR OPPOSITION	
Jun. 05, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 22, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
May 21, 2013	ASSIGNED TO LIE	70997
May 13, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 07, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 06, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 06, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 06, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 10, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 10, 2013	NON-FINAL ACTION E-MAILED	6325
Apr. 10, 2013	NON-FINAL ACTION WRITTEN	77762
Apr. 09, 2013	ASSIGNED TO EXAMINER	77762
Jan. 10, 2013	NOTICE OF PSEUDO MARK MAILED	
Jan. 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 25, 2012	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 27, 2015

### Assignment Abstract Of Title Information

#### Summary

**Total Assignments:** 4

**Registrant:** Genova Diagnostics, Inc.

#### Assignment 1 of 4

**Conveyance:** SECOND LIEN TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [5155/0836](#)

**Pages:** 9

**Date Recorded:** Nov. 18, 2013

**Supporting Documents:** [assignment-tm-5155-0836.pdf](#)

#### Assignor

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Execution Date:** Nov. 13, 2013

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [GNVA DEBT HOLDCO, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 335 N. MAPLE DRIVE, SUITE 240  
C/O LEVINE LEICHTMAN CAPITAL PARTNERS  
BEVERLY HILLS, CALIFORNIA 90210

#### Correspondent

**Correspondent Name:** RENEE PRESCAN

**Correspondent Address:** 300 NORTH LASALLE STREET  
KIRKLAND & ELLIS LLP  
CHICAGO, IL 60654

#### Domestic Representative - Not Found

#### Assignment 2 of 4

## EXHIBIT C - Notice of Opposition to App. 86/826,936

**Conveyance:** SECOND LIEN TRADEMARK SECURITY AGREEMENT

**Reel/Frame:** [5665/0826](#)

**Pages:** 8

**Date Recorded:** Nov. 10, 2015

**Supporting Documents:** [assignment-tm-5665-0826.pdf](#)

### Assignor

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Execution Date:** Nov. 10, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Assignee

**Name:** [GNVA DEBT HOLDCO, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** C/O LEVINE LEICHTMAN CAPITAL PARTNERS V, L.P.  
335 NORTH MAPLE DRIVE, SUITE 130  
BEVERLY HILLS, CALIFORNIA 90210

### Correspondent

**Correspondent Name:** SUSAN ZABLOCKI

**Correspondent Address:** KIRKLAND & ELLIS LLP  
601 LEXINGTON AVENUE  
NEW YORK, NY 10022

### Domestic Representative - Not Found

### Assignment 3 of 4

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [5665/0884](#)

**Pages:** 8

**Date Recorded:** Nov. 10, 2015

**Supporting Documents:** [assignment-tm-5665-0884.pdf](#)

### Assignor

**Name:** [GENOVA DIAGNOSTICS, INC.](#)

**Execution Date:** Nov. 10, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Assignee

**Name:** [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

**Legal Entity Type:** A CANADIAN CHARTERED BANK ACTING THROUGH ITS CHICAGO BRANCH

**State or Country Where Organized:** CANADA

**Address:** 111 WEST MONROE STREET, 20TH FLOOR EAST  
CHICAGO, ILLINOIS 60603

### Correspondent

**Correspondent Name:** OSCAR RUIZ C/O KATTEN MUCHIN ROSENMAN

**Correspondent Address:** 525 WEST MONROE STREET  
CHICAGO, IL 60661

### Domestic Representative - Not Found

### Assignment 4 of 4

**Conveyance:** RELEASE OF SECURITY INTEREST

**Reel/Frame:** [5665/0675](#)

**Pages:** 5

**Date Recorded:** Nov. 10, 2015

**Supporting Documents:** [assignment-tm-5665-0675.pdf](#)

### Assignor

**Name:** [GNVA DEBT HOLDCO, LLC](#)

**Execution Date:** Nov. 10, 2015

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

### Assignee

## EXHIBIT C - Notice of Opposition to App. 86/826,936

**Name:** [GENOVA DIAGNOSTICS, INC.,](#)

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

**Address:** 85 PEACHTREE STREET  
ASHVILLE, NORTH CAROLINA 28803

### Correspondent

**Correspondent** SUSAN ZABLOCKI  
**Name:**

**Correspondent** KIRKLAND & ELLIS LLP  
**Address:** 601 LEXINGTON AVENUE  
NEW YORK, NY 10022

### Domestic Representative - Not Found

**United States of America**  
United States Patent and Trademark Office

**MYGDX**

**Reg. No. 4,822,470**

**Registered Sep. 29, 2015**

**Int. Cls.: 42 and 44**

**SERVICE MARK**

**PRINCIPAL REGISTER**

GENOVA DIAGNOSTICS, INC. (DELAWARE CORPORATION)  
63 ZILICOA STREET  
ASHEVILLE, NC 28801

FOR: MEDICAL DIAGNOSTIC LABORATORY SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-2006; IN COMMERCE 12-31-2006.

FOR: PROVIDING MEDICAL TESTING SERVICES AND INFORMATION FOR DISEASE PREDISPOSITION, DISEASE DIAGNOSIS, AND WELLNESS, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-2006; IN COMMERCE 12-31-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,914,523.

SN 85-809,250, FILED 12-21-2012.

KELLY BOULTON, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**